



MEMO ENDORSED

May 24, 2022

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VIA ECF

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court, Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Re: *Fometal, S.R.L. v. Keili Trading, LLC, et. al.*
Case No.: 1:22-cv-01928

Dear Judge Polk Failla:

We represent Defendant O’Neal Flat Rolled Meats [sic] aka Metal West LLC (“Metalwest”). Please accept this letter motion in accordance with Rule 2.A. of Your Honor’s Individual Rules of Practice to request an adjournment of the initial conference currently scheduled for June 9, 2022 at 12:30 p.m.

Metalwest and Co-defendants Reliance Steel & Aluminum Co. (“Reliance”) and Admiral Servicenter Company, Inc. (“Admiral”) have obtained permission to file motions to dismiss the Complaint on grounds including lack of personal jurisdiction and failure to state a claim. (ECF No. 34). Those motions are due for filing on June 9, 2022. Replies are due for filing until July 25, 2022. Accordingly, the motions will not even be fully briefed by the time the initial conference is held on June 9, 2022.

Metalwest respectfully submits that it would be inefficient to enter into a scheduling order or otherwise participate in discovery until the Court has ruled on its impending motion to dismiss. Counsel for Reliance and Admiral also joins in this application for identical reasons. Plaintiff does not consent to the requested adjournment because, “no pre-answer motions have been filed and same do not automatically stay discovery or the scheduling of an initial conference.” This is the first request to adjourn the initial conference.



We thank the Court in advance for its time and consideration.

Respectfully submitted,

Wilson Elser Moskowitz Edelman & Dicker LLP

/s/ Russell L. Porter

cc: All parties (via ECF)

Application GRANTED. The initial pretrial conference scheduled for June 9, 2022, is hereby ADJOURNED *sine die*. Further, the Court will not enter a Case Management Plan until Defendants' motions to dismiss have been decided. The parties are directed to follow the briefing schedule outlined in the Court's Order at docket number 34. The Clerk of Court is directed to terminate the pending motion at docket number 41.

Dated: May 25, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE